

REMARKS

Status of the Claims

Claims 1, 4-7, 10-17 and 26-30 are pending in this application, with Claims 1, 15 and 28 being independent. Claims 10-14 have previously been withdrawn from consideration, and Claims 2, 3, 8, 9, and 18-25 have previously been canceled without prejudice. Claims 1, 15, and 28 have been amended. Applicant submits that no new matter has been added.

Requested Action

Applicant respectfully requests that the Examiner reconsider and withdraw the outstanding rejection in view of the foregoing amendments and the following remarks.

Applicant also respectfully requests that this Amendment After Final be entered. This Amendment was not presented earlier as it was earnestly believed that the claims on file would be found allowable. Given the Examiner's familiarity with the application, Applicant believes that a full understanding and consideration of this Amendment would not require undue time or effort by the Examiner. Moreover, Applicant submits that this Amendment places the application in condition for allowance. Accordingly, entry of this Amendment is believed to be appropriate and such entry is respectfully requested.

Claim Rejection

Claims 1, 4-7, 15-17 and 26-30 are rejected under 35 U.S.C. §103(a) as being unpatentable over Japanese Patent Application Publication No. 2000-050263 (Asada et al.) in

view of German Patent Publication DE 100 35 109 (Cho et al.) (relying on corresponding U.S. Patent No. 6,956,971)

Response to Rejection

In response, while not conceding the propriety of the rejection, independent Claims 1, 15, and 28 have been amended. Applicant submits that, as amended, these claims are allowable for the following reasons.

Claim 1 has been amended to recite that an image pickup apparatus is for encoding input motion-image data by using intra-frame and inter-frame coding, and encoding input still-image data as pictures for a predetermined period of time by using the same encoding method as the encoding method of the motion-image data. Claim 1 has been further amended to recite that in addition to the encoding unit being configured to 1) encode still-image data quantized by a quantization unit, and 2) generate encoded still-image data that includes intra-frame coded data and inter-frame coded data, which is an encoded coding error of the intra-frame coded data, the encoding unit is also configured to 3) rearrange, within a group of the pictures corresponding to the input still-image data, the inter-frame coded data with respect to the intra-frame coded data.

In contrast, neither Cho nor Asada is understood to disclose or suggest an encoding unit configured to rearrange, within a group of the pictures corresponding to the input still-image data, the inter-frame coded data with respect to the intra-frame coded data, as recited by amended Claim 1.

To establish a prima facie case of obviousness against a claim, MPEP § 2142 requires the cited art to disclose or suggest *all* the claimed features. But here, the cited art is not understood to disclose or suggest an encoding unit configured to rearrange, within a group of the pictures corresponding to the input still-image data, the inter-frame coded data with respect to the intra-frame coded data, as recited by amended Claim 1. Therefore, the Office is not understood to have yet established a prima facie case of obviousness against amended Claim 1. For this reason, Applicant respectfully requests that the rejection of Claim 1 be withdrawn. And since independent Claims 15 and 28 have been amended in a similar manner, they are allowable for similar reasons. Therefore, Applicant respectfully requests that the rejection of Claims 15 and 28 also be withdrawn.

The other rejected claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. In addition, the dependent claims recite features that are patentable in their own right. Individual consideration of the dependent claims is respectfully solicited.

Conclusion

In view of the above amendments and remarks, the application is now in allowable form and entry of this Amendment is proper. Therefore, early passage to issue is respectfully solicited.

Application No. 10/705,938

Any fee required in connection with this paper should be charged to Deposit Account
No. 06-1205.

Respectfully submitted,

/Gary M. Jacobs/

Gary M. Jacobs
Attorney for Applicant
Registration No. 28,861

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

FCBS_WS 1786105v1